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15 UNITED STATES DISTRICT COURT
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17 NORTHERN DISTRICT OF CALIFORNIA
18
19 SAN JOSE DIVISION

20 JOSEPH TAYLOR, EDWARD MLAKAR,
21 MICK CLEARY, and EUGENE ALVIS,
22 individually and on behalf of all others
similarly situated,

23 Plaintiffs,

24 v.

25 GOOGLE LLC,

26 Defendant.

Case No. 5:20-cv-07956-VKD

**GOOGLE LLC'S STATEMENT OF
RECENT DECISIONS IN SUPPORT OF
OPPOSITION TO PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION**

Judge: Hon. Virginia K. DeMarchi

Pursuant to Local Rule 7-3(d)(2), Defendant Google LLC (“Google”) respectfully submits this Statement of Recent Decisions. The following two decisions, both of which issued after Google’s opposition to Plaintiffs’ Motion for Class Certification (ECF No. 175) regarding class certification, are relevant to the Court’s consideration of that motion.

The first is a decision from the Honorable Yvonne Gonzalez Rogers denying class certification in *Calhoun et al. v. Google LLC*, No. 4:20-CV-05146-YGR, 2025 WL 1637574 (June 9, 2025), attached hereto as **Exhibit 1**. The Court held that the proposed class contained millions of Chrome users who were exposed to, and may have explicitly or implicitly consented to, varying disclosures potentially providing notice that their use of Chrome meant that their data would be collected. (*Id.* at *6.) The Court explained: “with such a wide variation in sources of information to which millions of class members were exposed,” it is “hard to envision how this issue could be tried globally.” (*Id.*) The Court also denied certification on a Rule 23(b)(2) injunctive class for several reasons, including variations in implied consent. (*Id.* at *7.)

The second is a decision from the Honorable Edward J. Davila denying class certification in *Turner et al. v. Apple, Inc.*, No. 5:20-CV-07495-EJD, 2025 WL 1953697 (July 16, 2025), attached hereto as **Exhibit 2**. There, the Court held consent to the use of cellular data was based on individual users’ toggle settings, which, amongst other things, could only be determined through individualized inquiry. (*Id.* at *4.)

For these reasons, Google respectfully submits the *Calhoun* and *Turner* decisions as additional support for denying Plaintiffs’ Motion for Class Certification.

Dated: August 8, 2025

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By: /s/ Whitty Somvichian
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